

CITY DEVELOPMENT BOARD[263]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 368.10, the City Development Board hereby amends Chapter 7, “Voluntary Annexation,” and Chapter 8, “Petitions for Involuntary City Development Action,” Iowa Administrative Code.

The rules in Chapters 7 and 8 outline documentation requirements for annexation applications.

These amendments rescind prior amendments adopted by the Board on May 11, 2011, and published as **ARC 9546B** in the June 1, 2011, Iowa Administrative Bulletin.

Pursuant to Iowa Code section 17A.4(3), the Board finds that notice and public participation are impracticable and contrary to public interest because of the level of unanticipated controversy that resulted from the amendments adopted on May 11, 2011, and because of the need to obtain additional input from stakeholders before further amendment of the rules.

The Board further finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of these amendments should be waived and these amendments should be made effective upon filing. The Board’s finding is based upon the fact that the amendments will confer a benefit upon the public by providing opportunities for additional discussion before these rules are amended further.

The City Development Board adopted these amendments on July 13, 2011.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 368.

These amendments became effective July 20, 2011.

The following amendments are adopted.

ITEM 1. Rescind and reserve paragraph **7.2(2)“j.”**

ITEM 2. Amend subrule 8.3(9) as follows:

8.3(9) Residential and commercial development regulation and projections. The petition shall include a description of current and proposed zoning regulations that apply to the annexation territory. Projected development and land use patterns shall be described under the assumption of continuation of existing land use regulations and under the assumption of land use regulations that would be applied after the annexation, if approved. Residential, commercial, and industrial development projections shall be provided based on population projections for the city and territory.

In the case of annexation, the amount of vacant developable land within the existing corporate limits and within the territory, as well as an estimate of the amount of developable land needed to accommodate future growth, shall be provided. ~~Petitions for annexation shall include a statement indicating whether the city has applied smart planning principles to the territory and, if applicable, a description of how the city has applied, or intends to apply, smart planning principles.~~

[Filed Emergency 7/20/11, effective 7/20/11]

[Published 8/10/11]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/10/11.